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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,281	08/07/2001	Geoffrey B. Rhoads	P0414	5601

23735 7590 08/21/2007  
DIGIMARC CORPORATION  
9405 SW GEMINI DRIVE  
BEAVERTON, OR 97008

EXAMINER

SAM, PHIRIN

ART UNIT PAPER NUMBER

2616

MAIL DATE DELIVERY MODE

08/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/924,281	RHOADS, GEOFFREY B.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phirin Sam	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

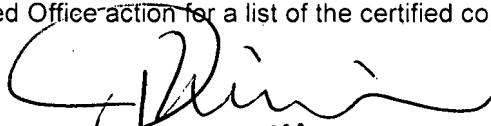
#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**PHIRIN SAM**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,764,763 (hereinafter referred as "Jensen") in view of US Patent 5,613,004 (hereinafter referred as "Cooperman").

**Regarding claims 1-3,** Jensen discloses in a cellular telephone including a microphone, a modulator, an antenna, and an RF amplifier, the device serving to receive audio and transmit an RF signal conveying audio modulation (see Figs. 1-3, 16, 17, col. 31, lines 59-67, col. 32, lines 1-5, and col. 33, col. 13-29);

Jensen does not disclose a steganographic encoder for hiding plural bits of auxiliary data within the audio modulation of said RF signal. However, Cooperman discloses a steganographic encoder for hiding plural bits of auxiliary data within the audio modulation of said RF signal (see abstract, col. 1, lines 48-57, col. 4, lines 8-27). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the steganographic encoder teaching by Cooperman with Jensen. The motivation for doing so would have been to provide a disincentive to piracy of material read on abstract. Therefore, it would have been obvious to combine Cooperman and Jensen to obtain the invention as specified in the claims 1-3.

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**Regarding claims 4-7**, Jensen discloses a method of operating a cellular telephone, said telephone including a microphone coupled to a transmitter, and a receiver coupled to a transducer, the telephone serving to transmit a wireless signal modulated with a voice signal using an antenna (see Figs. 1-3, 16, 17, col. 31, lines 59-67, col. 32, lines 1-5, and col. 33, col. 13-29);

Jensen does not disclose altering the voice signal to steganographically embed a multi-symbol auxiliary data string therein, wherein transmission of the wireless voice signal also conveys the auxiliary data string hidden therein. However, Cooperman discloses steganographically embed a multi-symbol auxiliary data string and conveys the auxiliary data string hidden (see abstract, col. 1, lines 48-57, col. 4, lines 8-27). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine steganographically embed a multi-symbol auxiliary data string and conveys the auxiliary data string hidden teaching by Cooperman with Jensen. The motivation for doing so would have been to provide a disincentive to piracy of material read on abstract. Therefore, it would have been obvious to combine Cooperman and Jensen to obtain the invention as specified in the claims 4-7.

***Allowable Subject Matter***

3. Claims 8-13 are allowed.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

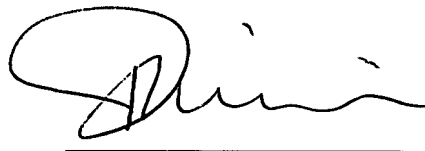
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: August 18, 2007

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM  
PRIMARY EXAMINER**